

² The Board notes that, following the February 24, 2020 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On January 7, 2020 appellant then a 61-year-old mail carrier, filed a traumatic injury claim (Form CA-1) alleging that on November 26, 2019 she sustained a cut above her right eye when a handcart she was loading rocked forward and struck her face. She did not stop work. On the reverse side of the claim form, appellant's supervisor, J.C., acknowledged that appellant was injured in the performance of duty and certified that his knowledge of the injury comported with the information provided by appellant.

In a January 16, 2020 development letter, OWCP advised appellant that it had not received any medical evidence in support of her FECA claim. It requested that she submit a narrative medical report from her physician, which included a diagnosis and an opinion on causal relationship that explained how the reported November 26, 2019 employment incident either caused or aggravated her medical condition. OWCP afforded appellant 30 days to submit the requested information.

OWCP subsequently received a November 26, 2019 report signed by Anne Gustavson, a certified physician assistant, who noted that appellant was seen for a right eye laceration. Ms. Gustavson recounted that appellant was hit in the face that day when a mail cart she was loading sprung forward, causing a laceration above the right eye.

By decision dated February 24, 2020, OWCP accepted that the November 26, 2019 employment incident occurred as alleged. However, it denied the claim, finding that appellant had not established a diagnosed medical condition causally related to the accepted employment incident, thus, the requirements had not been met for establishing an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,⁴ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁵ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

³ *Supra* note 1.

⁴ *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place, and in the manner alleged. Second component is whether the employment incident caused a personal injury and can be established only by medical evidence.⁷

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁸ The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and specific employment incident or factors identified by the employee.⁹

Pursuant to OWCP's procedures, no development of a claim is necessary where the condition reported is a minor one which can be identified on visual inspection by a lay person (*e.g.*, burn, laceration, insect sting, or animal bite).¹⁰ No medical report is required to establish a minor condition such as a laceration.¹¹

ANALYSIS

The Board finds that appellant has met her burden of proof to establish a laceration above her right eye causally related to the accepted November 26, 2019 employment incident.

The Board notes that, pursuant to Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.6(a) (June 2011), if a condition reported is a minor one, such as a burn, laceration, insect sting, or animal bite, which can be identified on visual inspection by a lay person, a case may be accepted without a medical report and no development of the case need be undertaken, if the injury was witnessed or reported promptly, and no dispute exists as to the occurrence of an injury; and no time was lost from work due to disability.¹² This

⁷ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁸ *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

¹⁰ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.800.6(a) (June 2011).

¹¹ *Id.*; *see J.S.*, Docket No. 20-0764 (issued January 12, 2021) (the evidence of record was sufficient to establish a contusion/bruise to the middle back/right back rib as causally related to the accepted employment incident); *B.C.*, Docket No. 20-0498 (issued August 27, 2020) (the evidence of record was sufficient to establish a lumbar contusion as causally related to the accepted employment incident); *S.H.*, Docket No. 20-0113 (issued June 24, 2020) (the evidence of record was sufficient to establish a right ankle contusion as causally related to the accepted employment incident); *M.A.*, Docket No. 13-1630 (issued June 18, 2014).

¹² *Supra* note 10.

section of OWCP's procedures further states that, in cases of serious injury (motor vehicle accidents, stabbings, shootings, etc.) if the employing establishment does not dispute the facts of the case, and there are no questionable circumstances, the case may be accepted for a minor condition, such as laceration, without a medical report, while simultaneously developing the case for other more serious conditions. This is true even if there is lost time due to such a serious injury.¹³

Appellant noted on her claim form that she suffered a laceration above her right eye after the handcart she was loading rocked forward and struck her face. The employing establishment acknowledged that the incident occurred in the performance of duty. In a November 26, 2019 report, Ms. Gustavson, a certified physician assistant, diagnosed a laceration, noting that appellant had been hit in the face that day when the mail cart she was loading sprung forward and caused a laceration.

The Board finds that this information is sufficient to meet the standards set forth in OWCP's procedures for accepting a laceration above appellant's right eye without a medical report from a qualified physician. Based on the description of the condition, it was a minor condition identifiable on visual inspection by a lay person.¹⁴ The signature of J.C., appellant's supervisor, on the January 7, 2020 Form CA-1 clearly indicate that appellant's laceration above the right eye had been viewed and accepted as work related, and that the incident alleged by appellant to have taken place on November 26, 2019 occurred in the performance of duty. The November 26, 2019 report from Ms. Gustavson supports the existence of a laceration above the right eye capable of being identified on visual inspection by a lay person.

Accordingly, the Board finds that appellant has established a laceration above the right eye.

CONCLUSION

The Board finds that appellant has met her burden of proof to establish a laceration above the right eye causally related to the accepted November 26, 2019 employment incident.

¹³ *Id.*

¹⁴ *See supra* note 11.

ORDER

IT IS HEREBY ORDERED THAT the February 24, 2020 decision of the Office of Workers' Compensation Programs is reversed.

Issued: September 15, 2021
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board